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January 31, 2020

VIA ECF

Honorable Sarah L. Cave
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Malik Francis v. City of New York, et al.,
17-cv-1453 (LAK) (HBP)

Your Honor:

I am the attorney assigned to represent defendants the City of New York, Lemon, Pressley, and Calloway in the above-referenced matter. Defendants write to: (1) report the parties' agreed-upon protocol for defendants' anticipated response to Document Request No. 7 of Plaintiff's Second Supplemental Interrogatories and Document Requests ("Second Supplemental Requests"); and (2) respectfully request the Court extend the parties' time to complete fact discovery in this matter. Plaintiff's consents to the filing of this letter, and joins in the latter request.

I. Protective Custody Records

The parties have agreed upon the following protocol for sampling additional DOC records in further response to plaintiff's Document Request No. 7 of the Second Supplemental Requests, and pursuant to the Court's Orders of January 7, 2020 and January 24, 2020 (**ECF No. 87**), seeking documents and information pertaining to protective custody determinations as to non-parties.

1. Based upon a list of all inmates who were admitted to protective custody at GMDC within six months prior to and six months after April 24, 2016, the defendants will identify 200 random inmates—by selecting each sixth and eleventh name from an alphabetized list.
2. Based on a review by defendants of the narrative details maintained in the DOC Operations Security and Intelligence Unit ("OSIU") electronic database regarding the removal from protective custody for the identified inmates, defendants will produce a list of inmates who were "involuntarily" removed from protective

custody based upon the issuance of an infraction or other alleged behavioral misconduct during the relevant time period, by March 13, 2020.

3. Based upon the list of inmates who were “involuntarily” removed from protective custody, defendants will locate the physical protective custody files for each “involuntarily removed” inmate. From those files, defendants will produce the protective custody determination forms for each inmate for any involuntary removal, and any supporting documentation, by June 30, 2020.

The parties agree that all documents and information to be produced subject to this protocol will be subject to appropriate relevance, privacy, and privilege objections, and deemed confidential materials pursuant to the stipulation of confidentiality and protective order in effect in this action. All identifying information relating to the identified inmates will be redacted to the final three digits of each book and case number and the individual’s first and last initials, subject to Plaintiff’s right to request the Court consider permitting disclosure of the names and identifying information of specific inmates.

II. Completion of Fact Discovery

In accordance with the proposed schedule above, the defendants also respectfully request that the Court extend the parties’ time to complete fact discovery to July 31, 2020.

Defendants thank the Court for its consideration.

Respectfully submitted,



/s/ _____
Hannah V. Faddis

Senior Counsel

Special Federal Litigation Division

cc: **VIA ECF**
David Shanies, Esq.
Attorney for Plaintiff

The parties' consent Letter-Motion for an extension of time to complete discovery (ECF No. 88) is GRANTED. The parties are directed to complete fact discovery by **Friday, July 31, 2020**. The parties are directed to file a joint status report by **Monday, August 3, 2020** listing their deadlines for any anticipated expert discovery and dispositive motions, and the parties' anticipated trial ready date. The Clerk of Court is respectfully directed to close ECF No. 88.

SO-ORDERED 2/3/2020



SARAH L. CAVE
United States Magistrate Judge